

Selman Breitman LLP
ATTORNEYS AT LAW

GREGG A. THORNTON (SBN 146282)
JENNIFER L. RUSNAK (SBN 247054)
SELMAN BREITMAN LLP
33 New Montgomery, Sixth Floor
San Francisco, CA 94105
Telephone: (415) 979-0400
Facsimile: (415) 979-2099

Attorneys for Defendant
SANDRA SPAGNOLI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH TOMADA,

Plaintiff,

v.

SANDRA SPAGNOLI, DOES ONE
through TWENTY, inclusive,

Defendants.

CASE NO. C 09-05872 JL

~~[PROPOSED]~~ ORDER GRANTING MOTION
TO DISMISS FOR IMPROPER VENUE, OR
IN THE ALTERNATIVE, TO TRANSFER
FOR IMPROPER VENUE

(28 U.S.C. § 1406(a))

Date : April 7, 2010
Time : 9:30 a.m.
Ctrm : F, 15th Floor
Judge: Hon. James Larson

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The motion of defendant SANDRA SPAGNOLI for an order
dismissing plaintiff's complaint for improper venue, or in the
alternative, transferring the action to the Sacramento Division
of the Eastern District of California, ~~came on regularly for~~
the Court.
~~hearing before this Court on April 7, 2010. Counsel appeared for~~
~~both plaintiff and moving party.~~

After full consideration of the moving and opposition
papers, the evidence submitted by all parties, ~~the arguments of~~

~~parties and counsel~~, all other matters presented to the Court associated with the subject motion to dismiss pursuant to F.R.Civ.P. 12(b)(3) and it being clear that there is no basis for venue in this District, and good cause appearing therefor:

IT IS ORDERED that the motion is hereby granted. Accordingly, the court orders that:

~~_____The complaint is dismissed pursuant to F.R.Civ.P. 12(b)(3) and 28 U.S.C. § 1406(a) for improper venue.~~

 X The complaint is transferred to the Sacramento Division of the Eastern District of California pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED:

Dated: 4/8/2010

